S.B. Civil Second Appeal No.304/2007
Kanhaiya Lal
vs
Bheru Lal

Date of order : 21.11.2007.

HON'BLE MR. PRAKASH TATIA, J.

Mr.JS Rao,for the appellant.
Mr. Amit Mehta, for the respondent.

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Heard learned counsel for the parties.

The only ground raised by the appellant in argument is that the appellant's tenancy was not terminated by the plaintiff. Though in the memo of appeal ground has been raised, but it appears from the reasons given by the two courts below while deciding issue no.9 that no objection about the legality of the notice was advanced before the two courts below and the two courts below considered the notices, copy of which were produced by the plaintiff-respondent and, thereafter, held that the tenancy of the appellant-tenant was validly terminated.

Since the appellant did not raise any objection about the invalidity of the notices terminating tenancy before the two courts below, therefore, now he cannot be permitted to raise ground in second appeal. Mere raising a plea and framing of issue itself is not sufficient to grant permission to party

to raise objection when no argument was advanced before the courts below. It appears from the finding of the two courts below that four notices terminating tenancy were given to the tenant by the respondent-plaintiff before instituting the suit and copy of the notices were placed on record by the plaintiff-respondent.

In view of the above, I do not find any substantial questions of law involved in this appeal. Hence, the appeal of the appellant is dismissed.

(PRAKASH TATIA), J.

c.p.goyal/-